

REMARKS

In response to the Official Action of June 19, 2003, please cancel without prejudice Claims 55-79 and 81-84 and add the following new claims.

In the Official Action of June 19, 2003, Claims 58-61, 64, 65, 67, 72, 75, 76 and 79 were withdrawn from reconsideration as being directed to a non-elected group of claims. In order to expedite prosecution of the instant Application, these claims have not been included in the new claims and thus have been, in effect, cancelled without prejudice. However, Claim 64 which corresponds to new Claim 90 has been amended to indicate that a further winding means is disposed at the reference point and, as such, it is submitted it falls within the elected Group I claims. Also Claim 91 which corresponds to Claim 65 is dependent on Claim 90 and, being directed to a section length measuring means for determining the length of the section between the reference point and the vehicle is properly included, it is further submitted, within the elected Group I claims.

New Claim 85 corresponds to cancelled Claim 55 with the subject matter of cancelled Claim 66 being included therein. New Claims 86-91 correspond to cancelled Claims 56, 57 and 62-65 with a modification as indicated above in new Claim 90. New Claims 92-95 correspond to cancelled Claims 68-71. New Claims 96 and 97 correspond to cancelled Claims 73 and 74. New Claims 98 and 99 correspond to cancelled Claims 77 and 78. Claims 100-103 correspond with changes to be mentioned hereinafter to cancelled Claims 81-84.

The invention is directed to an implement for demarcating an area which confines the free movement of animals. This is accomplished by a wire section 12 which may be electrified and which is connected between two of the implements or at least one of the implements and a reference point. The implement of the invention comprises a vehicle which is used for

positioning an end of a wire section. The vehicle has two wheels on either side with the center of gravity of the vehicle being lower than the axis of rotation of the wheels. The wire which comprises the section is wound on a drum. The apparatus may be provided with a geodetic positioning system such as, for example, GPS. It includes means for determining the angle between a predetermined direction and the direction that the wire section extends as well as means for measuring the length of the wire section. For each vehicle 1, a computer may be provided which is programmed so that the vehicles move to predetermined positions at predetermined points of time according to a predetermined pattern.

In the Official Action, Claims 55-57, 62-66, 68-71, 73, 74, 77, 78, 81-84 were rejected on the basis of 35 U.S.C. §103 as being unpatentable over German Offenlegungsschrift No. DE4215714A1, of November 18, 1993, to Schulte. These claims correspond to Claims 85-103 herein except that prior cancelled Claims 55 and 66 has been incorporated in new Claim 85. In the rejection the Schulte patent is combined with U.S. Patent No. 6,338,013, of Ruffner, which issued January 8, 2002.

As previously pointed out, we do not have a translation of the German Schulte Offenlegungsschrift patent document but, instead, have a Derwent Abstract. According to such Abstract, a grazing enclosure is created by stationary fences on three sides of the rectangle with the fourth side being a movable wire supported by two self-propelled caterpillar tracted vehicles following parallel paths. The wire is fixed two cross beams at the tops of respective jointed posts equipped with a tilt switch whereby the posts are maintained upright on uneven ground. One vehicle only carries a time switch and the wire is reeled and unreeled by winders. It provides an advantage of being a traveling fence which is adapted automatically to differences of distance between stationary fences and to unevenness of the ground so that livestock cannot escape. The

reference does not teach, however, the inclusion of a geodetic positioning system for selectively positioning the end of a section of the demarcation element. Such positioning system is, of course, a system which includes GPS or the like. Insofar as can be determined, the Schulte reference does not include a geodetic positioning system at all. This is recognized in the Official Action, but it is asserted that the patent to Ruffner teaches an apparatus for mowing an area which has a mowing element 45 and a vehicle 1 connected to the mowing element wherein the vehicle has a geodetic positioning system for selectively positioning the mowing element. A GPS system is provided, as stated in the Official Action, for precise determination of the vehicle's location and precise scheduling of tasks whereby the GPS system provides for the correction of errors in location due to errors in the vehicle's starting position, changes in motor efficiency, unexpected obstacles or wheel slippage. It is therefore asserted that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify an apparatus as disclosed in Schulte to have a vehicle with a geodetic positioning system for selectively positioning the vehicle as taught by Ruffner to provide a more precise determination of the vehicle's location and precise scheduling of tasks with the GPS system providing for the correction of errors and location due to error in the vehicle's starting location, changes in motor efficiency, unexpected obstacles, or wheel slippage.

It is respectfully submitted that the Official Action does not provide any substantive evidence of a motivation to combine the prior art references to produce the claimed invention. Virtually all inventions are combinations of old elements. A Patent Examiner may often find every component or step of a claimed invention in the prior art and if that were enough to negate patentability, very few patents would ever issue. In addition, rejecting patent applications solely by finding prior art corollaries for the claimed elements would permit an Examiner to use the

claimed invention itself as a blueprint for piecing together elements in the prior art to defeat patentability of the claimed invention. To counter this potential weakness in the obviousness construct, the suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test of obviousness. Moreover, the entire reference cited must be considered. A rejection cannot be predicated on the mere identification of individual components of claimed inventions. To warrant a finding that a combination of references teach an invention there must be substantial evidence to that effect. In reviewing the record for substantial evidence, it is necessary to take into account evidence that both justifies and detracts from the facts and determinations.

In the Ruffner reference, it is stated in the Abstract that the invention is a multi-functional, mobile appliance capable of performing a variety of tasks, safely, quietly, without pollution, and out of the sight of the owner wherein such tasks might include lawn mowing, fertilizing and edging, floor vacuuming, waxing, and polishing or rug shampooing. Other tasks which may be performed by the Ruffner appliance are set forth in the Specification to include cultivating, weeding, raking, mulching, sanding, polishing, painting, or pressure washing (column 5, lines 1-4). Also mentioned is the ability to pick up materials or dispose of waste products which might include among other things water, seed, insecticide, protective coatings, detergent, abrasive particles for floor care, dust, clippings, absorbents, and the addition of materials to and the removal of waste from the mobile unit (column 9, lines 1-12). Also cultivating gardens or crops is mentioned (column 10, lines 25 and 26). It is stated that the apparatus can include not only a cutter assembly, but also a beater bar, a drum sander, a polishing cylinder, a trough for fertilizer distribution, a line of water jets, or a roller for the uniform application of a sealant or coating (column 14, lines 32-37). Also included is a feature

which allows the mobile unit of Ruffner to perform its particular task very close to edges or walls (column 19, lines 54 and 55).

The Ruffner reference is lengthy and detailed. The use of unmanned vehicles to define feeding areas for grazing animals was known as indicated by the prior art of record, in particular the Offenlegungsschrift of Schulte. But nothing has been cited or pointed out in Ruffner to suggest an unmanned vehicle which utilizes an apparatus for demarcating an area wherein the demarcation element includes at least one section with the vehicle connected to one end of such section and with the vehicle including a geodetic positioning system for selectively positioning the end of the section to the demarcation element. In other words, this use of his unmanned vehicle did not occur to Ruffner although many other uses did, and, if anything, Ruffner thus leads away from not towards the combination of a geodetic positioning system with a demarcation element that includes at least one section.

In addition, Schulte, as understood, fails to disclose measuring means associated with the demarcation element for determining the angle of the section with a predetermined direction. On page 5 of the Official Action, it is stated that as to Claim 66 (now incorporated in Claim 85) that Schulte discloses an apparatus which has an angle measuring means associated with a demarcation element for determining the angle between a predetermined direction and a section 6 (Abstract). This is not, however, found in the Derwent Abstract available to the undersigned. The Abstract states that the first and second fixed-point fences are joined by mirror-identical securements. But nothing is described or shown in the figures which suggests measuring means associated with the demarcation element for determining the angle between a predetermined direction and the section. Accordingly, insofar as Claim 85 is concerned and the claims dependent thereon; it does not appear that in the applied combination the measuring means

component involved is shown at all. This component is not included in Claims 100-103, but in Claim 100 (former Claim 81) in the Derwent Abstract available to the undersigned, solar panels which are operatively connected to the motors for providing energy to the motors is not mentioned. Moreover, as outlined above, there is a lack of substantive evidence, either direct or indirect, to combine the Schulte and Ruffner disclosures. In Claim 103 (formerly Claim 84), again solar panels for charging a battery carried by each vehicle do not appear to be disclosed at least by the Derwent Abstract of the Schulte patent. Again, concerning Claims 101-103, there is clearly a lack of substantial evidence which leads to a combination of the Schulte and Ruffner references and, indeed to the contrary, there is nothing in the Ruffner reference which leads to the invention, as such. But, to the contrary, the detailed disclosure therein leads away from not towards such a combination as set forth in Claims 100-103.

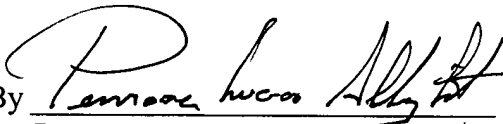
On pages 2 and 3 of the Official Action, Claim objections are set forth directed to what are essentially clerical errors in Claims 65 and 82-84. These have been corrected in the superseding Claims 71 and 101-103. The careful review by the Patent Examiner having charge of this Application in pointing out these errors is acknowledged with appreciation.

Further consideration and reexamination of this Application, in its amended form, is requested in view of 35 U.S.C. §132 and regulations in implementation thereof. It is submitted that the Application, as amended herein, is free from ambiguity and avoids the references of record. It is further submitted that the Examiner should have no difficulty in finding that the differences between the subject matter sought to be patented in this Application and prior art and usage within his expert knowledge are such that the subject matter as a whole would not have been obvious at the time the invention was made to persons having ordinary skill in the art to which the subject matter of this Application pertains.

In view of the foregoing, an allowance of claims as now presented is earnestly solicited.

Respectfully submitted,

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